

REMARKS

In the official action, the Examiner rejected claims 5-9 under §112, §102 and §103, variously applied to some or all of the claims.

With this amendment, claims 5 and 9 are amended extensively to overcome the §112 and §102 rejections and to more clearly define the invention. New dependent claims 10 and 11 are added, and claims 6-8 are cancelled.

The Examiner rejected the subject matter of claims 5-9, as previously presented, in view of Berg et al. Patent No. 5,388,127. Berg '127, however, does not show or suggest the features of claims 5 and 9-11 as now presented. The present claims require resilient means positioned between a pair of seat platforms and a platform below, for allowing specific types of movements as recited in the claims. Such movement comprises movement of the pelvis and lower back of the person via resilient springing action such as to allow the hip and pelvis motion of walking, and allowing for movement in pitch, roll and yaw as well as forward and rearward glide of the ilia and sacral bones relative to one another.

Berg '127 shows no such apparatus. Berg shows a pair of seat pad assemblies at left and right, adapted to rock in the forward and back directions only. Berg shows base members or seat bodies 12 and 22 which have tapered or angled bottom sides which assist in the rocking motion. Further, a line of fulcrum is established at 18, 28 in the supporting structure; see particularly Figs. 2 and 7. The reference also states that the disclosed structure allows for sliding of the seat sides as referenced relative to Fig. 6. The description relates almost entirely to forward and back rocking movement of the two seat portions. In fact, at column 6, lines 18 et seq., it is stated, "The nature of the arch shaped suspensions prevents each seat cushion means from lateral rocking from side to side since each seat rocking means has an arch shaped suspension firmly attached to the upper surface 13 of base 14 . . . thereby preventing side to side or lateral rocking."

The claims now presented specifically state that the resilient means is such as to allow movement in pitch, roll and yaw as well as forward and rearward glide, and also lateral glide in the case of claims 9 and 10. Berg '127, in contrast, is concerned with "preventing the base 14 from sliding on or moving around on the chair." See column 5, lines 12-13. Berg absolutely fails to provide for movement in roll (about a

generally horizontal and longitudinal axis) or yaw (about a vertical axis), since his dedicated teeter-totter platforms are prevented from these movements, as well as from lateral glide.

Clearly, Berg '127 teaches away from the current invention as now claimed. The claimed invention is neither anticipated by nor obvious in view of Berg '127.

Berg et al. Patent No. 6,079,782 is also cited by the Examiner, but not relied upon. This patent is also concerned with back and forth rocking movement, as confirmed at column 8, lines 43-45. The Berg '782 patent shows a seat construction with four separate rigid platforms (covered by cushion material), rather than being limited to two as in the claims now submitted. Also, the Berg platforms are each supported by three springs (not four) in a preferred embodiment, one of which is a smaller spring, the arrangement as shown in Fig. 6 strongly tending to suggest that the forward and aft tandem platforms tend to cooperate in some way in allowing the desired back and forth rocking movement of each side of the user individually. There is absolutely no suggestion in Berg '782 toward providing a resilient apparatus that allows movement in all of the directions pitch, roll and yaw, as well as gliding movement in the fore and aft directions and in the lateral direction, individually

relative to each side of the seat. In fact, the assembled Berg '782 chair seat appears to restrict the movement of the seat section so as to prevent such multiple and compound movements. Like the Berg '127, the Berg '782 patent teaches in a different direction from the present invention, and the assembled, sandwiched construction shown in Fig. 1 would appear to restrict freedom of movement, certainly not providing the multiple degrees of freedom which are called for in the present claims.

For the above reasons, it seems clear that claims 5, 9, 10 and 11 define patentably over the prior art and should be allowed. Favorable action is solicited. However, if the Examiner believes any issue remains, he is asked to telephone the undersigned before issuing a further action.

Respectfully submitted,



Date: September 16, 2002

Thomas M. Freiburger
Reg. No. 27,063
650 California Street, 25th Floor
San Francisco, California 94108
415-781-0310